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CBS Praises Critic of Documentary

By LAWRENCE VAN GELDER

The president of CBS News, calling Gen. William C. Westmoreland's libel suit an "unfortunate episode," issued a memorandum of praise yesterday for the CBS executive who found the network's standards had been violated in making the documentary that led to the general's \$120 million claim.

Edward M. Joyce, the president, told Burton Benjamin, a CBS senior producer who had conducted an internal investigation following the January 1982 broadcast of the CBS Reports documentary, "The Uncounted Enemy: A Vietnam Deception":

"Your findings were both painful to us and encouraging to us — they pointed to embarrassing transgressions of our own CBS News guidelines." Mr. Joyce also noted that the findings of the investigation, conducted between May and July 1982, had enabled CBS executives to take the position that they stood by the broadcast.

Memo Widely Circulated

Mr. Joyce's memorandum — issued the morning after CBS corporate and news personnel had celebrated the formal settlement of the lawsuit with a party at Regine's, a restaurant and discotheque at 502 Park Avenue, between 59th and 60th

Streets — was widely circulated among the CBS News staff.

In addition to foreign and domestic bureau chiefs, Mr. Joyce's memo was sent to such personnel as Walter Cronkite, Charles Kuralt, Bill Moyers and Dan Rather. It was also sent to a number of individuals who had been involved in the making of "The Uncounted Enemy." Among them were the program's chief correspondent, Mike Wallace, and its producer, George Crile, who were defendants in General Westmoreland's lawsuit, and Howard Stringer, the documentary's executive producer.

The thesis of the documentary was that General Westmoreland, who commanded United States forces in Vietnam from 1964 to 1968, had conspired to deceive President Johnson, the Joint Chiefs of Staff and the American people about the real strength of enemy forces in Vietnam in the months prior to the Tet offensive of January 1968.

Reasons for Writing Memo

Mr. Joyce, explaining his motivation in writing yesterday's memorandum, said:

"First of all, I think Bud Benjamin is one of the pillars of our institution and has been a quiet model of integrity for the past several years. This was an expression of my great admiration for Bud.

"Second of all, I think this is a time

for us to feel relief but not jubilation. And I think it is a time for us to reflect, and then go about the business of good journalism."

Mr. Joyce said that under ordinary circumstances he might have telephoned Mr. Benjamin to express his praise. But Mr. Benjamin is in Cambodia and Vietnam, preparing a documentary marking the 10th anniversary of the fall of Saigon.

Mr. Benjamin's report, prepared before General Westmoreland filed his suit, found 11 "principal flaws" in the preparation of the documentary.

Among them were "coddling sympathetic witnesses," choosing to interview mostly witnesses who supported the program's overall conclusions and failing to prove that there had been a "conspiracy to suppress information about enemy troop strength during the Vietnam War."

But Van Gordon Sauter, then the president of CBS News and now executive vice president of the CBS Broadcast Group, said later, "We concluded that any flaws in the preparation did not undermine the editorial integrity of the broadcast."

Reacting yesterday to Mr. Joyce's memorandum, a CBS producer, who asked to remain anonymous, said he interpreted it as Mr. Joyce's effort to temper a euphoric reaction to the outcome of the trial and remind the staff that the broadcast that caused it had been flawed.